

Minutes of the Planning Commission meeting held on Thursday, October 17, 2013 at 6:32 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Karen Daniels, Chair  
Tim Taylor, Vice-Chair  
Jim Harland  
Maren Patterson  
Phil Markham  
Chad Wilkinson, Community Development Manager  
Ray Christensen, Senior Planner  
G.L. Critchfield, Deputy City Attorney  
Citizens

Excused: Vicki Mackay  
Scot Woodbury

The Staff Review meeting was held from 6:00 to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording of this is available at the Murray City Community and Economic Development Department.

Karen Daniels opened the meeting and welcomed those present. She reviewed the public meeting rules and procedures.

#### APPROVAL OF MINUTES

Mr. Harland made a motion to approve the minutes of October 3, 2013 as presented. Seconded by Ms. Patterson.

A voice vote was made. Motion passed, 5-0.

#### CONFLICT OF INTEREST

There were no conflicts of interest for this agenda. Karen Daniels mentioned that she does business with the applicant Larry Wilson. Due to the fact that there are no current business deals, Ms. Daniels does not feel this is a conflict of interest.

#### APPROVAL OF FINDINGS OF FACT

There were changes made to the Findings of Fact. Mr. Taylor made a motion to approve the five Findings of Fact and Conclusions for Christiansen Clinic, Delta Disaster Services, Oleg Eidelman, Dillard's and Larry H. Miller Used Car Supermarket. The following corrections were made to:

1. Christiansen Clinic at 6358 S. 900 E.; There was a correction on the decision summary, *it was approved 4-0; commissioners Daniels, Markham and Woodbury were excused from that meeting.*
2. Dillard's at 6227 S. & 6191 S. State Street; There was a correction under the decision summary; *it was approved 4-0; commissioners Daniels, Markham and Woodbury were excused from that meeting.*

Seconded by Mr. Harland.

A voice vote was made. Motion passed, 5-0.

MESSAGE BY MYLA – 6298 South 900 East, Suite C – Project #13-164

Myla Moore was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for a Conditional Use Permit approval in order to conduct massage therapy for the property addressed 6298 South 900 East. Municipal Code Ordinance 17.140 allows massage therapy (LU #6296) within the R-N-B zoning district subject to Conditional Use Permit approval. The applicant is proposing to use a 154 square foot office space within the existing dental and salon building for massage therapy. There will be no new construction for the proposed use. A Conditional Use Permit is required for this type of use prior to issuance of a business license. Parking requirements for this type of use are calculated at the same ratio as beauty and barber shops. That ratio is, "3 spaces for each chair," or for this use it would be by work station. With review of the other uses at this location a total of 26 parking spaces shall be provided including two ADA spaces. The applicant has submitted plans that show a total of 28 parking stalls with two ADA stalls provided at this location. There is also a shared parking agreement between this property and the property to the north adding 7 more parking stalls. Sufficient parking is provided to meet the minimum requirements found in Chapter 17.72 of the zoning ordinance. The building for this business and use meets the minimum front, rear and side yard setbacks for the R-N-B zoning district. The applicant has submitted plans that meet the minimum requirements for landscaping for the front setback area and the interior lot. There is a 10 foot landscape buffer between this property and the residentially zoned properties to the west which meets the requirements of the R-N-B zoning district. Based on application materials and a site visit by staff, current landscaping has been determined to meet the requirements found in Chapter 17.68 of the zoning ordinance. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to three conditions.

Myla Moore, 5844 S Sesame Street, Taylorsville. Ms. Daniels asked Ms. Moore if she has read the three conditions of approval and if she can comply with them. Ms. Moore responded in the affirmative.

The meeting was opened for public comment. There were no comments from the public and that portion of the meeting was closed.

Ms. Patterson made a motion to approve the Conditional Use Permit for Massage by Myla at 6298 South 900 East, with conditions 1-3 as recommended:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.
3. A business license shall be obtained prior to commencement of business operations.

Seconded by Mr. Markham.

Call vote recorded by Chad Wilkinson.

A \_\_\_\_\_ Maren Patterson

A \_\_\_\_\_ Phil Markham

A \_\_\_\_\_ Tim Taylor

A \_\_\_\_\_ Jim Harland

A \_\_\_\_\_ Karen Daniels

Motion passed, 5-0.

WILSON CONSTRUCTION – 5960 South Stratler Street – Project #13-158

Larry Wilson was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for a Conditional Use Permit for a contractor's office/warehouse building for the property addressed 5960 South Stratler Street. Municipal Code Ordinance 17.152 allows a contractor's office and warehouse building (LU #6600) within the M-G-C zoning district subject to Conditional Use Permit approval. The applicant is proposing to convert an existing home into a general contractor office. The proposed contractor office will be 910 square feet. The office space will be 432 square feet which will have three individual offices and the remaining area will be used for a break room and restrooms. The applicant is proposing to construct a storage garage for contractor equipment. The applicant is proposing to improve the parking area in order to meet the off street parking requirements for this use. The applicant will install an ADA access ramp in order to provide access to the business entry. The applicant has submitted information indicating that there will be a total of four (4) parking stalls for this office. Parking requirements for this use are calculated for the office space and the storage space. According to those requirements, two (2) parking stalls shall be provided for the office space and two (2) parking stalls shall be provided for the storage space. The office space parking requirement is calculated at 1 space for every 250 square feet of net office area. The storage space parking requirement is calculated at 1 space for every 750 square feet of net floor area. The net floor area for the proposed storage garage is 1,250 square feet. The proposed parking will meet the requirements for off street parking at this property. The existing structure meets all front and side yard setback requirements for this zoning district. There is no rear or side yard setback requirements for properties located within the M-G-C zoning district, except side yard standards that apply to corner lots. The proposed storage garage will need to comply with the setback standards of the building code. Landscaping for this property will need to be improved in order to meet the standards of the landscape ordinance. Because this property is a corner lot, both street frontages are required to meet the standards of the landscape ordinance for the front setback areas. The front setback area is required to have four (4) trees, seven (7) 5-gallon shrubs and fourteen (14) 1-gallon shrubs. This is calculated based upon the requirement for front setback areas that states, "Landscaping in these areas shall consist of three (3) trees, five (5) 5-gallon shrubs and ten (10) 1-gallon shrubs per one hundred (100) linear feet of frontage." The total linear feet of frontage excluding the two proposed accesses is 135 linear feet. Landscaping for the interior, front setback and park strip areas will

need to meet the requirement of 50% landscape bed coverage at time of planting. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to the following conditions.

Larry Wilson, 5934 South 840 West, Murray, indicated that this proposal will be for his construction business. Ms. Daniels asked Mr. Wilson if he has read the seven conditions of approval and if he can comply with them. Mr. Wilson responded in the affirmative.

The meeting was opened for public comment. No comments were made by the public and the public comment portion of the meeting was closed.

Mr. Taylor made a motion to approve the Conditional Use Permit for contractor's office/warehouse building for the property addressed 5960 South Stratler Street, subject the following conditions:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.
3. A building permit shall be obtained for tenant improvements and the construction of the storage garage.
4. The project shall meet all Murray City Engineering requirements, including the following:
  - (a) Provide a drainage plan to the City Engineer
  - (b) Install sidewalk along Stratler and Wallin Street frontages.
5. The project shall meet all Water and Sewer Department requirements.
6. A formal landscaping plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted and approved by Community and Economic Development Staff and installed as approved prior to occupancy.
7. If a refuse container is used, container shall be screened as required by Section 17.76.170.

Seconded by Mr. Markham.

Call vote recorded by Chad Wilkinson.

         A \_\_\_\_\_ Maren Patterson

         A \_\_\_\_\_ Phil Markham

         A \_\_\_\_\_ Tim Taylor

         A \_\_\_\_\_ Jim Harland

         A \_\_\_\_\_ Karen Daniels

Motion passed, 5-0.

MIKE DAHLE – 5827 S Cove Creek Lane – Project #13-161

Mike Dahle was the applicant present to represent this request. Ray Christensen reviewed the location and request for approval for an amendment to the Forest Creek Planned Unit Development rear yard setback requirement at the property addressed 5827 South Cove Creek Lane. Municipal Code Ordinance 17.108.030 allows a planned unit development within the R-1-12 zoning district subject to Conditional Use Permit approval by the planning commission. Municipal Code Section 17.60.070.B. requires planning commission approval for amendments to approved plans and specifications for a planned unit development. Forest Creek P.U.D. received final planning commission approval for the development on October 21, 1993 subject to conditions of approval. The minimum setbacks approved are 20 ft. front and rear yard, eight ft. minimum side yard and 16 ft. total side yards, except setback on a corner lot street side yard is 20 ft. On January 4, 1996, Geoffrey Woods, of Watts Architects, requested amendments to the setbacks established by the planning commission for Forest Creek planned unit development for lots 6, 7, 10, 13, 16, 17, 19, and 33. The commission approved amendments to specific lots at that time. At that time Lot #16 already had footings poured and complied with the 20 ft. rear yard setback. Mike Dahle is now requesting an amendment to the rear yard setback for lot #16 to construct an addition within 10 ft. of the rear yard boundary line. Lots #16 and #17 were combined onto one lot. Murray Planning Commission approval is required for any amendments to approved plans and specifications for a planned unit development. Each lot is required to have a minimum of two covered parking stalls per dwelling unit. The landscaping plans have been approved for the development. Based on the information presented in this report, application materials submitted, the site review, and original conditions of approval, staff recommends approval subject to conditions.

Mike Dahle, 5827 South Cove Creek Lane, Murray, stated that there was a homeowner's meeting held. At the meeting a unanimous approval was made to amend the CC & R's and that will be officially recorded within the next two weeks. This was specifically done for lot 16; the amendment was not done for the entire PUD. Ms. Daniels asked Mr. Dahle if he has read the three conditions of approval and if he can comply with them. Mr. Dahle responded in the affirmative.

The meeting was opened for public comment. No comments were made by the public and the public comment portion of the meeting was closed.

Mr. Markham made a motion to approve the amendment to the Forest Creek Planned Unit Development for a rear yard setback of 10 feet for Lot 16, addressed 5827 South Cove Creek Lane, subject to the following conditions:

1. Comply with Forest Creek planned unit development conditions and requirements.
2. The project shall meet all applicable building code standards, including obtaining a building permit.

3. The project shall meet all current fire codes, Water and Sewer, and Power Department requirements.

Seconded by Mr. Harland.

Call vote recorded by Ray Christensen.

A  Maren Patterson

A  Phil Markham

A  Tim Taylor

A  Jim Harland

A  Karen Daniels

Motion passed, 5-0.

SPRING CREEK COVE –5070 South 1100 East & 5091 S Wesley Rd– Project #13-162

Jeff Jackson was the applicant present to represent this request. Ray Christensen reviewed the location and request for preliminary subdivision approval and Conditional Use Permit approval for Spring Creek Cove planned unit development, including flag lot, for a seventeen lot residential planned unit development located at the properties addressed 5070 South 1100 East and 5091 South Wesley Road. Municipal Code Ordinance 16.04.050 requires the subdivision of property to be approved by Murray City Officials with recommendation from the Planning Commission. Section 17.60 requires planning commission review for subdivision approval of planned unit developments. Municipal Code Ordinance 17.100.030 allows a planned unit development within the R-1-8 zoning district subject to Conditional Use Permit approval. Representatives of Henry Walker Homes are requesting preliminary subdivision approval and Conditional Use Permit approval for single family residential planned unit development with 17 total lots, including a flag lot. The flag lot complies with the access and zoning requirements. The residential lot sizes range from 6,712 sq. ft. to 12,864 sq. ft. The applicant has provided dwelling floor plans, elevations of various homes to be constructed in the planned unit development. A Declaration of Covenants, Conditions, and Restrictions and final building materials and colors will need to be provided with final planned unit development approval. A wetlands area is shown on the plans at the east area of the property. The plans show a stairway and picnic area amenity with tables, benches and cooking area adjacent to the wetlands area. The property is accessed from Wesley Road into the new development. The new interior street has cul-de-sacs at the north and south end of the property. Sidewalks will be located on one side of the street. The south cul-de-sac has a stub road connection to the property boundary to continue the road south when the vacant property is developed. The plan shows common areas at the entrance to the property and the wetlands area. The City Engineer has reviewed a traffic study prepared for this development. The summary/conclusion of the traffic study indicates the proposed residential development will not have significant impact on traffic operations in this area. The Murray City Engineer received a geotechnical study for subdivision review of this property. Army Corps of Engineers approval will be required for this development with a Section 404 permit. Landscaping/irrigation plans will need to be

submitted for the entire lot areas with final planned unit development review to comply with Municipal Code 17.68. Based on the information presented in this report, application materials submitted and the site review, staff recommends preliminary planned unit development subdivision approval and Conditional Use Permit approval subject to conditions.

Karen Daniels clarified with Mr. Christensen that the set-backs mentioned are from the plans and the PUD side yard setbacks are 5 feet. Mr. Christensen responded that the standard subdivision setbacks normally would be 7½ feet on side yards so the recommendation for side setbacks was 7½ feet based on utility easements.

Jeff Jackson, 7762 S Grant Street, Midvale, indicated he is representing Henry Walker Homes. Ms. Daniels asked Mr. Jackson if he has had the opportunity to review the twenty conditions of approval and if he can comply with them. Mr. Jackson responded in the affirmative. Mr. Jackson thanked Murray City staff, Ray Christensen, Trae Stokes and Chad Wilkinson as they were great to work with. Mr. Jackson mentioned that Henry Walker Homes has a core belief that their projects have a very minimal impact on the surrounding area. Henry Walker Homes takes great pride in making sure that there is a positive impact. Because of these things they have had a traffic study done. He stated that based on experience 17 lots makes a very minimal impact. He stated they have decided to apply for the PUD which allows a number of things to be done, including beautiful landscaping and a homeowner's association. The homeowner's association's that have been set up in the past are meticulous in making sure the landscaping is maintained, well mowed, no weeds, trees are trimmed, etc. Also, we have been working with the Army Corps of Engineers with the wetlands. The wetlands are hard to get to and they are planning to improve this by putting walkways in and a patio area so that the community can enjoy these areas. There is a home there that has been used for illicit drug use in the past, which is the home that will be torn down. He stated they are planning for 80% of the homes to have a 3<sup>rd</sup> car garage and the home prices will start at the low 400's and go up to the mid 500's. This will help to increase the surrounding home value. They plan to follow every ordinance and all the additional requirements city staff has asked.

There was discussion regarding the wetlands.

Mr. Markham stated that pertaining to the conditions that are listed, as there are quite a few conditions, he wants to make sure that they have been fully considered and that they can be met.

The meeting was opened for public comment.

Elizabeth Chipman, 5162 Wesley Rd, stated that in the future hopefully when something of this dimension is being contemplated, that a notice could be sent out to perhaps a larger array of people in the subdivision. She mentioned that she knows it is not required unless it's within a certain number of feet, but maybe this could be considered as she did not receive a notice but had heard about it. Ms. Chipman mentioned that if a notice could be sent out in advance with enough time given so that property owners could learn about projects and be present at the meetings. Ms. Chipman stated that she lives on Wesley Road and feels that there will be traffic and

safety issues with this project as there are no sidewalks on streets close to 900 East. Ms. Chipman feels that this project will devalue neighboring properties in the neighborhood. A copy of letter has been entered into the record.

Marty Retallick, 982 East Eastgate Road, Three Fountains East, stated that he would like to make sure that the property boundaries are taken care of as far as fencing and landscaping. He stated that they have a considerable amount of work that has been done down in that section to keep the stream divided.

Lucy Batey, 5053 Wesley Rd, stated that this project will be behind her home and that she also owns the property at 1081 Wesley Rd. Ms. Batey stated that she purchased her home for the sole reason that she did not want access to the property behind her due to the traffic that would be caused. She has adjusted to the fact that there will be a subdivision there someday as it is a lovely area; she has lived there since 1963. Ms. Batey stated that the issue they have is Wesley Road has 32 homes on it that will have this horrific traffic. There will be 17 homes built with the possibility of an additional 7 homes in the other subdivision. She stated that there are 32 cars at a minimum on the street and then adding children that brings it to 50-60 cars coming out of one small driveway, facing one home. She stated there are 16 homes up to 5290 Wesley Road, which is the access point. Ms. Batey stated that she feels that privacy will be lost, children will lose their safety in going to school, and homes will lose their value. There are sidewalks that will be lost and then Murray City will have to incur the expense to put in new sidewalks.

Zona Smith, 1104 East 5190 South, stated that her home is the second home on the corner of 5190 South. She stated that when she exits her street, the corner is blind and she cannot see oncoming traffic. The homes that already exist on Lori Way and Wesley Road cannot see her as they come around that corner. Ms. Smith stated that she is concerned about added traffic on that corner. She stated that she is not concerned about the development quality, and feels that there should be a stop sign or a caution sign to protect children and other residents on that corner. Ms. Smith also stated that even though the developer has complied with all the fire requirements she is concerned with a disaster situation, as they will not be able to get out of their subdivision any other way.

Jane Garvey, 5066 Wesley Road, stated that she owns two houses on the road, one backing the property that is being talked about. Ms. Garvey stated that they tried to get internet service on the telephone and it was not possible as it has to go through the trailer park down below on 1300 East. She stated they cannot get service on their street, and questioned how do the developers plan to get service down to the new subdivision? There is already a hole punched into our neighborhood as there were going to be 7 homes on the south end of the property. She stated that the Corps of Engineers said that with the wetlands and they are all springs and you can't do anything with them. It has been 3 or 4 years now and there hasn't been anything developed on the south end because of these wet springs. As far as fish are concerned, Ms. Garvey stated that she hasn't seen one in the 50 years that she lived there. There is an irrigation ditch that runs directly behind the property on 5065, and asked what is going to be done with this irrigation ditch? Will it be covered? And will

they still have water rights to it? As far as the drug house, she stated they are glad to see that property go.

Mark Pack, 1114 East 5190 South, stated that his east yard faces Wesley Road. Mr. Pack stated that there are going to be cement trucks and gravel trucks, the kids all go to school down there and there is a crosswalk across to the school and every morning there is always a big jam right there where the kids cross. Mr. Pack stated that he is not sure how it will work with an additional 56 cars trying to get out of the neighborhood with the crosswalk jam. Regarding the wetlands, there is wildlife that live in the wetlands, and asked what the contractor plans to do with the wildlife and the people that live down there will have problems with raccoons and mice.

The public comment portion of the meeting was closed.

Jeff Jackson thanked citizens for coming and for their comment. Mr. Jackson stated that Henry Walker Homes is committed to making sure that they do everything they can do make a good subdivision and all the comments are valid concerns. He stated that, as a company, they take children moving into the homes as a consideration. If there are concerns about children and crossing, they are committed to working with the city staff to add signage and crosswalks wherever it is needed or where the city recommends it. Regarding the property south of the neighborhood, Mr. Jackson stated that he isn't aware of any delineation with the property. Mr. Jackson stated that Henry Walker Homes has never had a problem getting services into homes and explained that Ms. Garvey may benefit from having services put into the development whereas she does not currently have the service. Mr. Jackson stated that the wildlife has a way of moving and they will make sure not to harm the animals.

Mr. Taylor stated that if there is concern about traffic the best thing for citizens to do would be to go meet with the City Engineer and view traffic studies that have been done.

Ms. Daniels asked Mr. Wilkinson to explain the process of noticing residents and how many notices get sent out. Mr. Wilkinson stated that it depends on the size of the parcel, larger parcels get larger notices. There is a radius that goes from the boundary of the property. We do keep a record of that at the City and if there are questions regarding that it can be provided. Some of this is guided by the State and other parts are City Code, we do have these rules and we do follow those mailing notices and the ones that are required by law to get noticed. Mr. Wilkinson explained that the city relies on Salt Lake County for the data base for notice information. If the address is incorrect at the County the mail is generally returned to planning division. He explained that the mailing can vary anywhere from 300 to 500 feet depending on the size of the property.

Mr. Harland asked Mr. Wilkinson regarding the traffic study, if the numbers in the study were deemed acceptable safety wise and traffic flow wise for the conditions for the roads coming in and out of the area. Mr. Wilkinson answered that the information is reviewed by our City Engineer and he didn't have any concerns based on those volumes and numbers that he saw. If citizens have questions, they should call the City Engineer and he would be happy to answer the questions.

Lucy Batey, 5053 Wesley Rd, asked to make one more comment. Ms. Daniels allowed one comment to be made. Ms. Batey stated that she voted for incorporation into Murray City, stated that she loves Murray and went to Murray High. She stated that she hopes that the Murray City father's will take care of her as she takes care of them.

Mr. Markham stated that there are many conditions that the developer must meet to obtain preliminary approval and if they are confident that they can meet these conditions, he is very confident that this development will be a wonderful addition to Murray City. Mr. Taylor concurred.

Mr. Harland commented on the 404 permit process, one of the residents commented that they weren't sure how it worked. Mr. Harland stated that processes with the 404 permit in the Army Corps of Engineers are not simple; they are very involved and very specific with what they require. If all the conditions and requirements are met, you can be assured that they will be done with all the federal requirements and guidelines.

Mr. Markham made a motion to send a positive recommendation to the Mayor for preliminary subdivision approval and also grant a Conditional Use Permit approval for Spring Creek Cove planned unit development, including flag lot, for a seventeen lot residential planned unit development located at the properties addressed 5070 South 1100 East and 5091 South Wesley Road subject to the following conditions:

1. Meet City subdivision platting requirements. The plat should be referred to as Spring Creek Cove PUD.
2. Provide right-of-way and road stub to undeveloped property to the south.
3. Provide public utility easements along the front, rear and sides of each lot; 10' front, 10 rear and 5' sides.
4. Pipe irrigation ditch as per ditch company requirements.
5. Eliminate landscaped island at subdivision entrance. The island can block or impede sight distance and can make emergency access and snow removal difficult.
6. Prior to final approval, obtain all Section 404 permits and approvals from the Army Corp. of Engineers for encroachment and modifications to wetlands and stream channel.
7. Stream channel needs to be cleaned and graded to convey the 10 year storm flow of 125 cfs to prevent flooding of neighboring properties.
8. Provide drainage/maintenance easement along Spring Creek.
9. Provide site retaining wall designs.

10. Obtain site grading permit issued by the City Building Department for construction of building pads, fill for roadways and retaining walls. This work will need to be done in compliance with the site Geotechnical Investigation. Fill greater than three ft. will need to be placed three months in advance of road and building construction to allow for settlement.
11. Prior to final approval, submit full construction drawings for all public facilities for review and approval by the Murray City Engineer.
12. Prior to final approval, obtain water and sewer service approval from Cottonwood Improvement District and Jordan Valley Water Conservancy District. Obtain easement for sewer connection from adjoining property owner.
13. Shallow ground water and soil conditions may prohibit basements on lots 16 and 17.
14. Comply with Murray Power Department requirements including street lighting.
15. A formal landscaping/irrigation plan for the total lots areas shall be submitted meeting the requirements of Chapter 17.68 of the Murray Municipal Code, with application for final subdivision approval for approval by City staff and shall be installed as approved prior to occupancy of each dwelling
16. A fence plan shall be provided for all fencing on site to comply with Murray fence code regulations 17.64.
17. The minimum building setbacks from the property line to the new dwellings on the lots are:

Front Setback to Dwellings-	15 ft.
Garage Setback-	20 ft. to garage
Rear Yard-	15 ft.
Side Yard-	7.5 ft.
Side Yard Corner Lot-	15 ft.
18. The project shall comply with fire department requirements. The fire department noted there are narrower areas on the road that may restrict traffic flow and access for fire department vehicles. There will need to be portions of the street signed for no parking and curbs painted red. With final planned unit development approval, the plans will need to be revised to show the signage and red curb areas as required by Murray Fire Department.
19. The building division requires compliance to building/fire code requirements and a soils report is required from a geo-technical engineer at time of submittal for building permit.
20. Building plans, elevations, and materials will need additional review for final selection prior to final approval of the planned unit development.

Seconded by Mr. Harland.

Call vote recorded by Chad Wilkinson.

A \_\_\_\_\_ Maren Patterson

A \_\_\_\_\_ Phil Markham

A \_\_\_\_\_ Tim Taylor

A \_\_\_\_\_ Jim Harland

A \_\_\_\_\_ Karen Daniels

Motion passed, 5-0.

HEIGHT FOR DWELLINGS IN THE R-M-10 ZONE – Project #13-160

Tim Vanderlinden was the applicant present to represent this request. Ray Christensen reviewed the request for a text amendment to maximum dwelling height in the residential R-M-10 zone. Murray Municipal Land Use Code Chapter 17.116.080 limits building height to 30 feet maximum. Tim Vanderlinden has a property in the R-M-10 zone and is planning to construct a two family dwelling, but is limited by the ordinance to 30 feet high maximum. He is requesting the ordinance change to allow 35 feet high for a two-family dwelling. The proposed amendment would allow him additional height to construct a 35 foot high dwelling based on the code change. The zoning ordinance for the R-M-10 zone, Section 17.116.080 states: "No building shall be erected to a height greater than 30 feet." Other multi-family zones such as R-M-20 and R-M-25 allow 40 feet building height. The R-1-8 zone allows a 35 foot high dwelling. It appears to be inconsistent that a dwelling in a single family residential zone can be allowed five feet higher than a dwelling in a residential multi-family zone. In addition, other multi-family zones allow for heights exceeding 30 feet. Staff has been unable to determine a reason for the 30 foot limitation in the R-M-10 zone. Based on the above information and findings, staff recommends that the Planning Commission forward a recommendation of approval for the proposed text amendment, to allow 35 foot maximum dwelling height within the R-M-10 zone, to the Murray City Council amending Municipal Code Chapter 17.116.080.

Tim Vanderlinden, 2074 Sample Cove, Sandy, stated he is wishing to build a structure higher than 30 feet similar to a single family residential zoning.

The meeting was opened for public comment. No comments were made by the public and the public comment portion of the meeting was closed.

Mr. Taylor made a motion to forward a recommendation of approval to the City Council to allow 35 feet maximum dwelling height within the R-M-10 zone and amending Municipal Code Chapter 17.116.080. Seconded by Ms. Patterson.

Call vote recorded by Ray Christensen.

A \_\_\_\_\_ Maren Patterson

A \_\_\_\_\_ Phil Markham

A \_\_\_\_\_ Tim Taylor

A \_\_\_\_\_ Jim Harland

A \_\_\_\_\_ Karen Daniels

Motion passed, 5-0.

FENCE HEIGHT ORDINANCE TEXT AMENDMENT – Project #13-141

Chad Wilkinson reviewed the recently adopted 2012 International Building Code which included changes to the regulation of fences. Prior codes had required a building permit for any fence exceeding six feet in height. The 2012 Code increases the height of non-regulated fences to seven feet. Current zoning ordinance standards limit the height of fences and hedges in residential and nonresidential zones to six feet, with some exceptions for areas adjacent to freeways and UTA rail facilities. In addition, sports courts have separate regulations. The Code also gives the Planning Commission authority to authorize a fence of 8 feet in height for a buffer between residential and commercial properties. The Building Official has recommended that the maximum fence height standards of the Zoning ordinance be increased to seven feet in order to be consistent with the adopted building code standards. However, staff has concerns that the increase in height may not be appropriate in all situations, especially in small lot single family residential subdivisions, where fence height could impact adjoining property owners. Potential impacts could include shading of adjoining properties, obstruction of view, and other aesthetic impacts. There may be situations where a seven-foot fence could be appropriate, such as:

- Zone buffer fences/walls between commercial and residential properties;  
(Note: The current ordinance allows for additional height in this situation subject to Planning Commission approval).
- Areas along high capacity roadways such as arterial and collector streets;
- Fencing surrounding large properties;
- Fencing surrounding industrial or commercial properties;

The attached changes to the fence code allow for an increase in height for fences and hedges in commercial and industrial zones and in some limited instances in residential zones. The proposed code changes would account for situations where residential properties adjoin arterial and collector streets on a side or rear property line. The proposed amendment would also allow for fences up to seven feet in height for properties that exceed ½ acre in size. Larger lot sizes may mitigate some of the aesthetic and shading issues that could arise on smaller lots as a result of higher fences.

The meeting was opened for public comment. No comments were made by the public and the public comment portion of the meeting was closed.

Ms. Patterson made a motion to forward a recommendation of approval to the City Council for the proposed amendment to the fence standards of the zoning ordinance. Seconded by Mr. Harland.

Call vote recorded by Chad Wilkinson.

Planning Commission Meeting

October 17, 2013

Page 14

A \_\_\_\_\_ Maren Patterson

A \_\_\_\_\_ Phil Markham

A \_\_\_\_\_ Tim Taylor

A \_\_\_\_\_ Jim Harland

A \_\_\_\_\_ Karen Daniels

Motion passed, 5-0

OTHER BUSINESS

There was no other business.

Meeting adjourned at 7:54 p.m.

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Chad Wilkinson, Manager  
Community & Economic Development